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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,640	09/18/2001	Judith F.M. Masthoff	PHGB 000125	7448

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EXAMINER

DINH, DUC Q

ART UNIT PAPER NUMBER

2674

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,640

Applicant(s)

MASTHOFF ET AL.

Examiner

DUC Q DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 18th, 2001 has been received and entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claim 9 is objected to because of the following informalities: "Apparatus" in line 1 should read "An apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, III et al. (U. S. Patent No. 5,469,191), hereinafter Smith.

In reference to claim 1, Smith discloses a cursor movement system for use in providing both straight and smooth curve movement in a video application. Fig. 12 is a method of changing the value of a speed from a current value to a desired value comprising the steps of: pressing the start button (first directional command) of the input device 20 in Fig. 2 to cause the arrow at a first speed (speed 1); and continuing pressing the start button (second command) to cause the speed increasing to a second speed (speed two) in the same direction.

In reference to claim 2, Smith discloses that box 60 of FIG. 1 represents a speedometer-like display for representing the currently-selected speed of the arrow tool 10a, 10b. In a preferred embodiment, five speeds are provided, and the START button of the controller 20 is used to cycle through the five speeds. As shown in FIG. 12, the speedometer display 60 is controlled to be blank or to display one to four graphic bars 61 to 64 in order to represent any one of the five speeds. Depression of the START button will cycle through the speeds while simultaneously updating speedometer display 60. Other methods of controlling and displaying cursor speed are, of course, possible (col. 5, lines 2-12).

In reference to claims 3-4, FIG. 5 demonstrates that the arrow tool 10 will proceed in the opposite direction if the operator depresses the direction control pad 22 in either the Down or the Right direction for a period of time. The user may vary the cursor speed by repetitively depressing the START button, the current speed being displayed on the video display at box 60 (col. 4, lines 67-68).

In reference to claims 5-6, refer to the rejection as applied to claims 3-4. In addition, Smith discloses in FIGS. 6 and 7, a description of the full operational relationship between the controller 20 and the arrow tool 10a. A video display 60 is shown having an exemplary line

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pattern of straight and curved line segments A1 to A6. The construction of the line pattern shown in FIG. 6 will now be described with reference to FIG. 7. It is assumed that the arrow tool 10a is initially at position A and is pointing in the direction shown in FIG. 7. If the operator depresses button "A" for a particular period of time, the arrow tool 10a will advance forward while drawing line segment A1. The operator stops formation of line segment A1 by releasing button "A. (third command)" Next, in preparation to form line segment A2, the user repositions the arrow tool 10a by pressing, the direction control pad 22 in the Down direction to bring the arrow tool through arc B1 (col. 4, lines 4-18).

In reference to claims 8-9, refer to the rejection as applied to claim 1. In addition, Smith discloses the manual input device in Fig. 2 to perform the directional/speed command as claimed.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Gardiner (U. S. Patent No. 6,025,831).

In reference to claims 7 and 10, Smith fails to disclose that the input means and the command are voice recognition device. Gardiner discloses a method and apparatus for control the input device including voice command device as claimed (col. 5, lines 39-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide Gardiner's the voice command device in the cursor control device taught by Smith for providing a hand-free input device as users' desires; for example: a pilot of an aircraft could use the voice command to select an icon on a computer screen while controlling the aircraft.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

DUC Q DINH
Examiner
Art Unit 2674

DQD
June 17, 2003



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600